

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, September 9, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: August 5, 2009
August 12, 2009
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 2009-001 (SAINT VINCENT DE PAUL OUTDOOR CHURCH FESTIVAL)

APPLICANT: Mary Kay Lamarre

REQUEST: To permit a one-day church festival on the fourth Saturday of September between the hours of 9 AM and 9 PM for a period of five years (2009 – 2013). The festival will include live entertainment, games, food, and onsite sale and consumption of alcohol.

LOCATION: 8345 Talbert Avenue, 92647 (north side of Talbert Avenue, east of Beach Boulevard)

PROJECT PLANNER: Andrew Gonzales

STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval.

Andrew Gonzales, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed event and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Gonzales stated that no public comments had been received.

THE PUBLIC HEARING WAS OPENED.

Mary Kay Lamarre, applicant, stated that she had no concerns with any of the staff suggested conditions of approval.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos indicated that he would modify the hours identified in Condition Nos. 2(d), 2(g), 2(h), and 2(i) and that he would add a condition allowing ongoing review by staff. He stated that, given the information provided, he could approve the request as recommended by staff.

TEMPORARY USE PERMIT NO. 2009-001 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent impact on the environment, including carnivals, sales of Christmas Trees, etc., are exempt from further environmental review.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2009-001:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use will be compatible with surrounding uses, and consistent with the following General Plan Objectives and Policy:

A. Land Use Element

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for the commercial, educational, cultural, entertainment, and recreation needs of existing and future residents.

Policy – LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

B. Noise Element

Objective – N 1.8.1: Require that entertainment and restaurant/bar uses take appropriate steps to control the activities of their patrons on-site, as well as within a reasonable and legally justified distance or proximity, to minimize potential noise-related impacts on adjacent residential neighborhoods.

The event has been held for several years as a fundraiser to support the parish and its various church ministries. The festival provides a variety of recreational opportunities entirely on St. Vincent De Paul church property for a period of one day per year with limited hours of operation. Residents and visitors are encouraged to attend the festivities. Temporary Use Permit 09-001 includes conditions of approval regulating the location of event facilities onsite away from residential land uses, the hours of general operation, and entertainment including the onsite sale and consumption of alcohol.

2. Approval of the application for an annual church festival for one day on the 4th Saturday of September between the hours of 9AM and 9PM for a period of five years (2009 – 2013) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary structures such as booths and the performance stage will be removed upon completion of the event. The temporary festival will not alter any existing property in the area. All parking will be provided onsite except overflow parking which will be provided as needed at Good Shepherd Cemetery located adjacent to the subject site. As stipulated per the conditions of approval, the sale and consumption of alcohol shall be controlled by requiring patrons who purchase alcohol to be readily identifiable and restricted to a designated area onsite. The Police Department and Code Enforcement have no recorded complaints regarding past church festivals.

CONDITIONS OF APPROVAL – TEMPORARY USE PERMIT NO. 2009-001:


1. The site plan received and dated July 24, 2009 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The event shall operate only between the hours of 9AM and 9PM on the 4th Saturday of each calendar year for a period of five years (2009 – 2013).
 - b. Beer and wine consumption shall be limited to an area for adults which shall be roped off and controlled by Church personnel. (PD)
 - c. All appropriate steps shall be made to identify those persons 21 years of age and over in order to prevent underage alcohol consumption and alcohol from leaving the event area. (PD)
 - d. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be limited to the event area and shall be discontinued as of 9:00 PM. Speakers shall not be directed toward any housing area.
 - e. A minimum of one (1) security officer shall be provided for every 150 guests in attendance at any one time. The required number of onsite security officers shall not be determined by the anticipated number of guests during the duration of the event. (PD)
 - f. All required security officers shall wear distinctive, identifiable uniforms with the word "Security" printed or embroidered in contrasting colors on their shirts and/or jackets. (PD)
 - g. Set up and breakdown of stands, equipment, and apparatus shall be prohibited before 6:30 AM and after 10:00 PM and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
 - h. The applicant shall provide for clean-up of areas after the closing of the event. Clean-up of the site shall be limited to between 8:00 AM and 11:00 PM and shall not include the use of any machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site and area within two (2) days of closing of the event.

- i. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris after the festival closes. Street clean-up shall not occur before 7:00 AM and after 10:00 PM.
3. All Alcoholic Beverage Control (ABC) requirements shall be met.
4. St. Vincent De Paul Church personnel shall provide direction of traffic and on-site parking.
5. Church personnel shall monitor parking lots. When parking lots become full, a "lot full" sign shall be placed at the entrance to the parking lots with information related to the location of overflow parking.
6. The applicant shall notify the Department of Planning of any changes to the proposed event no less than 15 days prior to the comment of the event.
7. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning.
8. The Planning Department may review and evaluate past events and determine the need for new or modified conditions of approval, subject to approval by the Zoning Administrator.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:43 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 23, 2009 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc